

**REMARKS**

Applicant has carefully studied the outstanding Office Action in the present application. The present response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Claims 1-48 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 61-67, 69 and 70 stand rejected under 35 USC § 102(e), as being anticipated by Katzir et al.

Claim 68 stands rejected under 35 USC § 103(a) as being unpatentable over Katzir et al. in view of Capara et al.

Applicants express their appreciation to Examiner Michael P. Nghiem for the courtesy of an interview which was granted to applicants' representative, Sanford T. Colb (Reg. No. 26,856). The interview was held at the USPTO on June 3, 2004. The substance of the interview is set forth in the Interview Summary.

In the interview, claims 1, 5, 26 and 29 were discussed vis-à-vis the 112 rejection and claims 61-70 were discussed vis-à-vis the prior art of Katzir and Capara. The Interview Summary Record states, in relevant part, "Applicants proposed amendments to claims 1, 5, 26 and 29 '... a modulator ... modulates the pulsed light with a modulating signal ... at a data rate

that is higher than a pulsed repetition rate of the pulsed light' which overcomes the § 112 1<sup>st</sup> paragraph rejection. Katzir is commonly owned at the time the invention was made. If necessary, applicants will amend claim 61 to overcome the § 102(e) rejection using Katzir, since the § 103 rejection based on Katzir would be inapplicable upon filing of a suitable statement."

Applicant has accordingly amended independent claims 1 and 5 to recite "a modulator that ... selectively modulates the pulsed light with a modulating signal ... at a data rate that is higher than a pulsed repetition rate of the pulsed light", which overcomes the § 112 rejection. Applicant has accordingly amended independent claims 26 and 29 to recite "selectively modulating the pulsed light with a modulating signal ... at a data rate that is higher than a pulse repetition rate of the pulsed light", which overcomes the § 112 rejection. Support for the amendments may be found in the specification in paragraphs 145-147, found on page 7 of the application as published, inter alia.

With reference to the above discussion, independent claims 1, 5, 26 and 29 are deemed allowable and favorable reconsideration is respectfully requested. Claims 2-4, 6-25, 27-28 and 30-48 each respectively depend directly or ultimately from independent claims 1, 5, 26 and 29 and recite additional patentable subject matter and therefore are deemed allowable.

The allowability of claims 49-54 is noted with appreciation.

Katzir et al. describes an apparatus for producing high repetition rate optical pulses. Capara et al. describes an external cavity optically-pumped semiconductor laser.

Applicant has amended claim 61 to recite "a multi-channel modulator", which is not shown or suggested in Katzir et al. Support for the amendment to claim 61 may be found in the specification in paragraph 154, found on page 8 of the application as published, inter alia.

It is respectfully submitted that at the time the present invention was made, the subject matter described by Katzir et al and the present invention were commonly owned, and therefore Katzir et al does not preclude patentability of the present invention in the case of an obviousness rejection, pursuant to 35 U.S.C. § 103(c).

Applicant has also amended claims 8, 9, 15-21, 24, 27, 30, 32, 39-44 and 47 to provide proper antecedent basis for all elements claimed therein.

Applicant reserves the right to pursue the claims as filed in the context of a continuation application.

In view of the foregoing, all of the claims are deemed to be allowable. Favorable reconsideration and allowance of the application are respectfully requested.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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**23373**

CUSTOMER NUMBER

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Respectfully submitted,



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